



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



February 28, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-10**

Keene Country Club
755 West Hill Road
Keene, NH 03431

Attn: Mr. John Boardman, Grounds Superintendent

**RE: Keene Country Club, Keene, NH
EPA ID No. NHD510119191**

Dear Mr. Boardman:

On December 19, 2001, the Department of Environmental Services (DES) conducted an inspection of the Keene Country Club (Keene CC). The purpose of the inspection was to determine Keene CC's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 807.06(b)(17) – standards for marketers of used oil being recycled

At the time of inspection, Keene CC personnel were unable to furnish bills of lading for shipments of on-site generated used oil.

Env-Wm 807.06(b)(17) requires generators to ship used oil using a 3-copy bill of lading and retain copies for three years from the date of shipment. Also, please be advised that used oil shall be: 1) transported by a duly registered hazardous waste transporter in accordance with Env-Wm 807.06(b)(12); or 2) self-transported by the generator, in accordance with Env-Wm 807.07(a).

DES requests that Keene CC utilize bills of lading for all off-site shipments of used oil. Keene CC should also maintain on file, copies of each bill of lading for three years from the date of each shipment.

2. Env-Wm 807.09(b)(1) – standards for marketers of used oil being recycled

The inspection revealed that Keene CC had previously transported used oil off-site, to an undisclosed facility, for subsequent burning.

Env-Wm 807.09(b)(1) requires generators to notify DES when engaging in used oil marketing activity.

DES requests that Keene CC complete and deliver the enclosed notification form to notify DES of their marketing activities. Please be advised that Env-Wm 807.08(a)(1)a. defines a marketer of used oil as "generators who market their used oil directly to a burner". Keene CC has stated that they transport used oil derived from on-site automotive oil changes directly to a burner. This identifies Keene CC as a marketer. As such, Keene CC is subject to the provisions of Env-Wm 807.09 of the NH Hazardous Waste Rules, "Standards for Marketers of Used Oil Being Recycled", which includes, but is not limited to, notification, analysis of each batch of used oil transferred, shipment on a 3-copy bill of lading, and certain recordkeeping requirements.

However, if Keene CC chooses instead to act only as a generator of used oil, then you only need to comply with the generator requirements of Env-Wm 807.06. Under Env-Wm 807.06, you will need to ensure that the oil is delivered to a facility authorized to accept it and use a registered hazardous waste transporter. As a generator, you may also choose to use the self-transport option and transport up to 110 gallons at any one time, as long as the used oil is delivered to a notified marketer or authorized collection facility that will perform testing of the oil. Enclosed is a list of registered used oil marketers who have also notified the Waste Management Division of their marketing activities. You may find that these marketers may pick-up your used oil directly at your business for delivery to an authorized facility at little or no cost to you.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Keene CC can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Keene CC, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Multi Media Partial Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline that is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 7000 1670 0003 4859 2976

cc DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, DES Enforcement Coordinator
Charles Smith, President, Keene Country Club

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
NHDES sample of "Used Oil Shipment Bill of Lading"
NHDES list of "Laboratories that Test Hazardous Waste"
NHDES list of "Used Oil Marketers"
NHDES "Summary of Requirements for Management of Used Oil Being Recycled"